

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 15026US02

PATENT

In the Application of:

Jeyhan Karaoguz, et al.

Serial No.: 10/672,864

Filed: September 26, 2003

For: REMOTE MANAGEMENT OF TV
VIEWING OPTIONS IN A MEDIA
EXCHANGE NETWORK

Examiner: Wang, Liang Che

Group Art Unit: 2153

Confirmation No.: 1276

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of claims 1-68 of the present application. A Notice of Appeal and Pre Appeal Brief Request for Review were filed on April 23, 2008. To date, however, a Panel Decision with respect to the Pre Appeal Brief Request for Review has not been received. Thus, the Applicants respectfully submit that this Appeal Brief is timely filed without any extensions of time. Note, an Appeal Brief is due within 2 months of the filing date of a Notice of Appeal or 1 month from the mailing date of a Notice Of Panel Decision from Pre Appeal Brief Request for Review, whichever is later.

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

The real party in interest is Broadcom Corporation, having a place of business at 16215 Alton Parkway, Irvine, California 92619.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

United States Application 10/667,833, filed September 22, 2003.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

The present application includes claims 1-68. These claims stand rejected.¹ The Applicants identify claims 1-68 as the claims that are being appealed. The text of the claims involved in this Appeal, namely, claims 1-68, is provided in the Claims Appendix.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

Subsequent to the final rejection of claims 1-68 mailed February 29, 2008, the Applicants filed a Response.² The Response did not amend any of the claims.³

¹ See February 29, 2008 Office Action and April 7, 2008 Advisory Action.

² See March 13, 2008 Response Under 37 C.F.R. § 1.116.

³ See *id.*

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

Independent claim 1 recites the following:

A system supporting the remote management of options related to media consumption,⁴
the system comprising:

a first television display in a first home;⁵

the first television display having an associated first set of options governing the
consumption of media;⁶

a first storage, in the first home, that stores the media;⁷

the first storage supporting consumption of the media by the first television display,⁸ and
having a first network address with respect to a first user at the first home;⁹

a second television display in a second home;¹⁰

the second television display having an associated second set of options governing the
consumption of media;¹¹

a second storage, in the second home, that stores the media;¹²

the second storage supporting consumption of the media by the second television

⁴ See present application, *e.g.*, at page 5, lines 2-3.

⁵ See *id.*, *e.g.*, at page 5, lines 3-4, page 28, lines 1-5, Figure 3, ref. 303, Figure 4, ref. 403.

⁶ See *id.*, *e.g.*, at page 5, lines 5-7.

⁷ See *id.*, *e.g.*, at page 5, lines 3-5.

⁸ See *id.*, *e.g.*, at page 5, lines 7-8.

⁹ See *id.*, *e.g.*, at page 5, lines 8-9, page 28, lines 1-5.

¹⁰ See *id.*, *e.g.*, at page 5, lines 9-10, page 28, lines 1-5, Figures 3, refs. 308 and 310, Figure 4, refs. 409, 412.

¹¹ See *id.*, *e.g.*, at page 5, lines 11-12.

¹² See *id.*, *e.g.*, at page 5, lines 10-11.

display,¹³ and having a second network address with respect to a second user at the second home,¹⁴ wherein the second user is known to the first user;¹⁵ and

server software¹⁶ that maintains a user defined association of the first and second network addresses,¹⁷ receives, via a communication network,¹⁸ a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information,¹⁹ and responds by identifying the other of the associated first or second network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.²⁰

Dependent claim 10 recites the following (dependent claims 22, 54 and 66 recite similar limitations):

The system of claim 1 further comprising:

a telephone voice response system²¹ for receiving user input via a telephone network,²² and having an associated third network address;²³ and

server software that receives from the telephone voice response system a request that identifies one of the associated first, second, or third network addresses, a user identifier, and

¹³ See *id.*, e.g., at page 5, lines 13-14.

¹⁴ See *id.*, e.g., at page 5, lines 14-15.

¹⁵ See *id.*, e.g., at Figure 3 (“User’s home” and “parent’s home”), Figure 4 (“My House,” “Mom’s House” and “Brother’s House”).

¹⁶ See *id.*, e.g., at page 16, line 4-22 and Figure 1, ref. 113.

¹⁷ See *id.*, e.g., at page 27, line 20 to page 28, line 1, page 31, line 17 to page 32, line 2 and page 27, lines 14-17.

¹⁸ See *id.*, e.g., at page 29, lines 4-8 and Figure 3, ref. 304.

¹⁹ See *id.*, e.g., at page 5, lines 15-19.

²⁰ See *id.*, e.g., at page 5, lines 19-22.

²¹ See *id.*, e.g., at page 22, line 12 to page 23, line 13, Figure 1C, ref. 152.

²² See *id.*, e.g., at page 10, lines 17-19.

²³ See *id.*, e.g., at page 7, lines 3-6.

authorization information,²⁴ and responds by identifying another of the associated first, second, and or third network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.²⁵

Independent claim 13 recites the following:

A system supporting the remote management of options related to media consumption,²⁶ the system comprising:

a television display in a first home;²⁷

a first storage that stores the media, in the first home,²⁸ the first storage communicatively coupled to the television display,²⁹ and having an associated first set of options governing the consumption of media,³⁰ and a first network address³¹ with respect to a first user at the first home;³²

set top box circuitry,³³ in the first home, communicatively coupled to the first storage to support consumption of media;³⁴

a personal computer monitor in a second home;³⁵

a second storage that stores the media, in the second home,³⁶ the second storage

²⁴ See *id.*, e.g., at page 7, lines 6-9.

²⁵ See *id.*, e.g., at page 7, lines 9-12.

²⁶ See *id.*, e.g., at page 7, lines 17-19.

²⁷ See *id.*, e.g., at page 7, lines 19-20 and page 28, lines 1-5, Figure 3, ref. 303, Figure 4, ref. 403.

²⁸ See *id.*, e.g., at page 7, lines 20-21.

²⁹ See *id.*, e.g., at page 8, lines 1-2.

³⁰ See *id.*, e.g., at page 8, lines 1-3.

³¹ See *id.*, e.g., at page 8, lines 1-3.

³² See *id.*, e.g., at page 5, lines 8-9, page 28, lines 1-5.

³³ See *id.*, e.g., at page 18, line 19 to page 19, line 7 and page 26, lines 11-16.

³⁴ See *id.*, e.g., at page 7, line 21 to page 8, line 1.

³⁵ See *id.*, e.g., at page 8, lines 3-5.

³⁶ See *id.*, e.g., at page 8, lines 5-6.

communicatively coupled to the personal computer monitor,³⁷ and having an associated second set of options governing the consumption of media,³⁸ and a second network address with respect to a second user at the second home,³⁹ wherein the second user is know to the first user;⁴⁰

personal computer circuitry, in the second home,⁴¹ communicatively coupled to the second storage to support consumption of media;⁴² and

server software⁴³ that maintains a user defined association of the first and second network addresses,⁴⁴ receives via a communication network a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information,⁴⁵ and responds by identifying the other of the associated first or second network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.⁴⁶

Independent claim 25 recites the following:

A system supporting the remote management of options related to media consumption,⁴⁷
the system comprising:

a storage for storing media;⁴⁸

set top box circuitry⁴⁹ supporting the consumption of media via a communication

³⁷ See *id.*, e.g., at page 8, lines 6-7.

³⁸ See *id.*, e.g., at page 8, lines 7-8.

³⁹ See *id.*, e.g., at page 8, lines 8-9.

⁴⁰ See *id.*, e.g., at page 5, lines 8-9, page 28, lines 1-5.

⁴¹ See *id.*, e.g., at page 8, lines 9-10.

⁴² See *id.*, e.g., at page 8, lines 9-11.

⁴³ See *id.*, e.g., at page 16, line 4-22 and Figure 1, ref. 113.

⁴⁴ See *id.*, e.g., at page 27, line 20 to page 28, line 1, page 31, line 17 to page 32, line 2 and page 27, lines 14-17.

⁴⁵ See *id.*, e.g., at page 8, lines 12-15.

⁴⁶ See *id.*, e.g., at page 8, lines 15-19.

⁴⁷ See *id.*, e.g., at page 10, lines 11-13.

network,⁵⁰ the set top box circuitry communicatively coupled to the storage,⁵¹ and having an associated set of options governing the consumption of media;⁵²

a telephone voice response system⁵³ for receiving user input via a telephone network;⁵⁴
and

server software that receives from the telephone voice response system a request,⁵⁵ and responds by enabling the management of the associated set of options governing the consumption of media.⁵⁶

Independent claim 27 recites the following:

A system supporting the remote management of options related to media consumption,⁵⁷
the system comprising:

set top box circuitry⁵⁸ supporting consumption of media via a communication network,⁵⁹
the set top box circuitry having an associated set of options governing the consumption of media;⁶⁰ and

server software that receives from a telephone voice response system a request,⁶¹ and responds by enabling management of the associated set of options governing the consumption of

⁴⁸ See *id.*, e.g., at page 10, lines 13-14.

⁴⁹ See *id.*, e.g., at page 18, line 19 to page 19, line 7 and page 26, lines 11-16.

⁵⁰ See *id.*, e.g., at page 10, lines 14-15.

⁵¹ See *id.*, e.g., at page 10, lines 15-16.

⁵² See *id.*, e.g., at page 10, lines 15-17.

⁵³ See *id.*, e.g., at page 22, line 12 to page 23, line 13, Figure 1C, ref. 152.

⁵⁴ See *id.*, e.g., at page 10, lines 17-19.

⁵⁵ See *id.*, e.g., at page 10, lines 19-20.

⁵⁶ See *id.*, e.g., at page 10, lines 20-22 and page 22, line 12 to page 23, line 13.

⁵⁷ See *id.*, e.g., at page 10, lines 11-13.

⁵⁸ See *id.*, e.g., at page 18, line 19 to page 19, line 7 and page 26, lines 11-16.

⁵⁹ See *id.*, e.g., at page 10, lines 14-15.

⁶⁰ See *id.*, e.g., at page 10, lines 15-17.

⁶¹ See *id.*, e.g., at page 10, lines 19-20.

media.⁶²

Independent claim 37 recites the following:

A system supporting the remote management of options related to media consumption,⁶³
the system comprising:

set top box circuitry, in a first home, communicatively coupled to a first storage in the
first home,⁶⁴ the first storage having an associated first set of options governing the consumption
of media and a first network address,⁶⁵ with respect to a first user at the first home,⁶⁶ to support
consumption of media using a television display in the first home;

circuitry, in a second home, communicatively coupled to a second storage,⁶⁷ the second
storage having an associated second set of options governing the consumption of media and a
second network address, with respect to a second user at the second home,⁶⁸ wherein the second
user is known to the first user,⁶⁹ to support consumption of media using a computer or other
monitor or display in the second home; and

software that maintains a user defined association of the first and second network
addresses,⁷⁰ receives via a communication network a request that identifies one or more of the
associated first or second network addresses, a user identifier, and/or authorization information,⁷¹

⁶² See *id.*, e.g., at page 10, lines 20-22 and page 22, line 12 to page 23, line 13.

⁶³ See *id.*, e.g., at page 7, lines 17-19.

⁶⁴ See *id.*, e.g., at page 7, lines 17-19.

⁶⁵ See *id.*, e.g., at page 8, lines 1-3.

⁶⁶ See *id.*, e.g., at page 8, lines 1-3.

⁶⁷ See *id.*, e.g., at page 8, lines 9-11.

⁶⁸ See *id.*, e.g., at page 8, lines 9-11.

⁶⁹ See *id.*, e.g., at Figure 3 (“User’s home” and “parent’s home”), Figure 4 (“My House,” “Mom’s House” and “Brother’s House”).

⁷⁰ See *id.*, e.g., at page 27, line 20 to page 28, line 1, page 31, line 17 to page 32, line 2 and page 27, lines 14-17.

⁷¹ See *id.*, e.g., at page 8, lines 12-15.

and responds by identifying the other of the associated first or second network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.⁷²

Independent claim 45 recites the following:

A system supporting the remote management of options related to media consumption,⁷³
the system comprising:

a first television display, in a first home,⁷⁴ communicatively coupled to a first storage in the first home,⁷⁵ the first storage having a first network address with respect to a first user at the first home,⁷⁶ the first television display having an associated first set of options governing the consumption of media;⁷⁷

a second television display, in a second home,⁷⁸ communicatively coupled to a second storage in the second home, the second storage having a second network address with respect to a second user at the second home,⁷⁹ wherein the second user is known to the first user,⁸⁰ the second television display having an associated first set of options governing the consumption of media;

software that maintains a user defined association of the first and second network addresses,⁸¹ receives via a communication network a request that identifies one or more of the

⁷² See *id.*, e.g., at page 8, lines 15-19.

⁷³ See *id.*, e.g., at page 5, lines 2-3.

⁷⁴ See *id.*, e.g., at page 5, lines 3-4, page 28, lines 1-5, Figure 3, ref. 303, Figure 4, ref. 403.

⁷⁵ See *id.*, e.g., at page 8, lines 1-2.

⁷⁶ See *id.*, e.g., at page 8, lines 1-2.

⁷⁷ See *id.*, e.g., at page 5, lines 5-7.

⁷⁸ See *id.*, e.g., at page 5, lines 9-10, page 28, lines 1-5, Figures 3, refs. 308 and 310, Figure 4, refs. 409, 412.

⁷⁹ See *id.*, e.g., at page 5, lines 14-15.

⁸⁰ See *id.*, e.g., at Figure 3 (“User’s home” and “parent’s home”), Figure 4 (“My House,” “Mom’s House” and “Brother’s House”).

⁸¹ See *id.*, e.g., at page 27, line 20 to page 28, line 1, page 31, line 17 to page 32, line 2 and page

associated first or second network addresses, a user identifier, and/or authorization information,⁸² and responds by identifying the other of the associated first or second network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.⁸³

Independent claim 57 recites the following:

A system supporting the remote management of options related to media consumption,⁸⁴ the system comprising:

at least one processor that maintains a user defined association of first and second network addresses of first and second users, respectively, at first and second locations, respectively,⁸⁵ wherein the first and second users are known to one another,⁸⁶ the at least one processor receives via a communication network a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information,⁸⁷ and responds by identifying the other of the associated first or second network addresses, to support management of one or both of first or second sets of options governing the consumption of media.⁸⁸

27, lines 14-17.

⁸² See *id.*, e.g., at page 8, lines 12-15.

⁸³ See *id.*, e.g., at page 8, lines 15-19.

⁸⁴ See *id.*, e.g., at page 5, lines 2-3.

⁸⁵ See *id.*, e.g., at page 27, line 20 to page 28, line 1, page 31, line 17 to page 32, line 2 and page 27, lines 14-17.

⁸⁶ See *id.*, e.g., at Figure 3 (“User’s home” and “parent’s home”), Figure 4 (“My House,” “Mom’s House” and “Brother’s House”).

⁸⁷ See *id.*, e.g., at page 8, lines 12-15.

⁸⁸ See *id.*, e.g., at page 8, lines 15-19.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL
(37 C.F.R. § 41.37(c)(1)(vi))

- Claims 1-7, 9, 12-19, 21, 24, 37-42, 44-51, 53, 56-63, 65 and 68 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 7,065,778 (“Lu”) in view of U.S. 7,055,104 (“Billmaier”).
- Claims 8, 20, 43, 52 and 64 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Billmaier and U.S. 7,084,994 (“Koppich”).
- Claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 and 67 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Billmaier and/or U.S. 7,170,546 (“Pocock”).
- Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Pocock and Koppich.

ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))

As noted in the Manual of Patent Examining Procedure (Revision 7, July 2008), “[t]o establish *prima facie* obviousness of a claimed invention, **all the claim limitations must be taught or suggested by the prior art.** *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” See MPEP at 2143.03 (emphasis added). Further, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA).” See *id.*

I. The Proposed Combination Of Lu And Billmaier Does Not Anticipate Claims 1-7, 9, 12-19, 21, 24, 37-42, 44-51, 53, 56-63, 65 And 68

Initially, the Applicants note that if a *prima facie* case of obviousness is not established,

the Applicants are under no obligation to submit evidence of nonobviousness.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

With that in mind, Lu “relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming.” See Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. See *id.* at Abstract.

For example, Lu describes the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then

arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

A. Maintaining A User Defined Association Of Network Addresses

Independent claim 1 recites, in part, “server software that maintains a user defined association of the first and second network addresses [**with respect to first and second users, respectively, at first and second homes, respectively, wherein the second user is known to the first user**], receives, via a communication network, a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses....**” Independent claims 13, 37, 45 and 57 recite similar limitations. Lu does not describe, teach, or suggest such limitations. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR in a particular broadcast area to record the show for the requesting PVR. *See* Lu at column 6, lines 39-61 and discussion above. Thus, for at least these reasons, the Applicants respectfully submit that Lu does not anticipate claims 1, 13, 37, 45, 57 or the claims that depend therefrom.

Nevertheless, the Office Action cites Lu at column 6, lines 54-58 as disclosing maintaining “a user defined association of the first and second network addresses.” *See* February 29, 2008 Office Action at pages 5, 11, 15, 19-20 and 23 and April 7, 2008 Advisory Action. This portion of Lu states, however, the following:

Once the personalized video recorders (e.g., 200A and 200B) record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requesting personalized video recorder 200.

Lu at column 6, lines 54-58. Thus, Lu makes clear that the arbitrarily assigned PVR records the show. The recorded show is then sent to the EPG server. After the EPG server receives the recorded show, it then sends it to the requesting PVR.

Overall, this portion of Lu that the Office Action relies on merely indicates that a recorder requests a show, and then the EPG arbitrarily finds another recorder in a broadcast area to record the show for the requesting recorder. This portion of Lu does not indicate that a user defines an association between first and second network addresses [with respect to users that are known to one another], or that a server **maintains** that **user defined association**. In general, there is nothing in this cited portion, nor the remainder, of Lu that describes, teaches or suggests software or a processor that “maintains a user defined association of the first and second network addresses [**with respect to first and second users, respectively, at first and second homes, respectively, wherein the second user is known to the first user**],” as recited in claim 1, for example. Even if one assumes there is an “association” between the two recorders, such association is arbitrarily determined by the EPG, but is clearly not “user defined.”

The Advisory Action notes that Lu at column 10, lines 10-15 discloses that a PVR is associated with a network address. *See* April 7, 2008 Advisory Action. This cited portion of Lu discloses the following:

Furthermore, the programming instructions of step 512 may also include an Internet Protocol (IP) address of a device (e.g., personalized video recorder 200) that the personalized video recorder (e.g., 200A or 200B) should transmit the requested television show to one it has been recorded.

Lu at column 10, lines 10-15. This portion of Lu does, in fact, disclose that the PVR 200 has an IP address. Once one of the other arbitrarily assigned recorders 200A or 200B records the requested program, the program is sent to the PVR 200 via the IP address. However, just

because the PVR 200 has an IP address does not mean that a user defined an association between it and another IP address. Indeed, as discussed above, Lu merely discloses that an EPG arbitrarily finds another recorder in a broadcast area to record the show for a requesting recorder. Contrary to the assertion in the Office Action, Lu simply does not describe, teach or suggest software or a processor that “maintains a **user defined** association of the first and second network addresses [**with respect to first and second users, respectively, at first and second homes, respectively, wherein the second user is known to the first user**],” as recited in claim 1, for example.

Thus, for at least these reasons, the Office Action has not established a *prima facie* case of obviousness with respect to claims 1, 13, 45, 57 or the claims that depend therefrom. Indeed, these claims are allowable over the cited art.

B. Responding To A Request By Identifying The Other Network Address

Additionally, the Office Action cites Lu **only at column 6, lines 45-50** as disclosing “respond[ing to a request that identifies one of the associated first and second protocol addresses] by identifying the other of the associated first and second network addresses” *See* February 29, 2008 Office Action at pages 6, 11, 16, 20 and 24. This portion of Lu states, however, the following:

Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” *See id.* at column 6, lines 43-45. In response to the request for delivery, Lu discloses that the EPG server “locates

one or more personalized video recorders situated within a broadcast region of the requested television show.” Arbitrary location of a recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that identifies one of the associated first and second network addresses that **“identif[ies] the other of the associated first or second network addresses,”** as recited in claim 1, for example.

C. Summary Of Claims 1, 13, 37, 45 And 57

As discussed at length above, contrary to the assertions in the Office Action, Lu simply does not describe, teach, or suggest “server software that maintains a user defined association of the first and second network addresses [**with respect to first and second users, respectively, at first and second homes, respectively, wherein the second user is known to the first user**], receives, via a communication network, a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses....**” Independent claims 13, 37, 45 and 57 recite similar limitations. Thus, for at least these reasons, the Office Action has not established a *prima facie* case of obviousness with respect to the pending claims.

Indeed, the proposed combination of Lu and Billmaier does not describe, teach or suggest “server software that maintains a user defined association of the first and second network addresses [**with respect to first and second users, respectively, at first and second homes, respectively, wherein the second user is known to the first user**], receives, via a communication network, a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses,**” as recited in claim 1. Independent claims 13, 37, 45 and 57 recite similar limitations. Thus, for at least these reasons,

the proposed combination of Lu and Billmaier does not render claims 1, 13, 37, 45, 57 or the claims that depend therefrom unpatentable.

II. The Proposed Combination Of Lu, Billmaier And Koppich Does Not Render Claims 8, 20, 43, 52 And 64 Unpatentable

The Applicants respectfully submit that the proposed combination of Lu, Billmaier and Koppich does not render claims 8, 20, 43, 52 and 64 unpatentable for at least the reasons discussed above.

III. The Proposed Combination Of Lu, Billmaier And Pocock Does Not Render Claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 And 67 Unpatentable

The Applicants next turn to the rejection of claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 and 67 as being unpatentable over Lu in view of Billmaier and Pocock. As an initial matter, the Applicants respectfully submit that claims 10, 11, 22, 23, 54, 55, 66 and 67 should be in condition for allowance for at least the reasons discussed above.

Additionally, the Office Action acknowledges that “Lu does not specifically teach a telephone voice response system for receiving user input via a telephone network, and having an associated third network address, and server software that receives a request from the telephone voice response system.” *See* February 29, 2008 Office Action at page 28. To overcome these deficiencies, the Office Action cites Pocock. *See id.* at pages 28-29.

Pocock discloses a “television system which is capable of concurrently distributing multiple video presentations having different video information content over a single television channel for receipt by different respective viewers.” *See* Pocock at column 1, lines 11-15. Pocock describes a system in which “[u]ser requested interactive instructions between a user at the terminal end and the presentation system are transmitted by an associated telephone line or other communication link.” *See id.* at Abstract. While Pocock discloses a system in which

instructions are transmitted over a telephone line or other communication link, Pocock does not describe, teach, or suggest “server software that receives **from the telephone voice response system a request, and responds by enabling the management of the associated set of options governing the consumption of media.**”

The Office Action cites Pocock at column 6, lines 19-37, and column 12, lines 26-31, as disclosing a telephone voice response system. *See* February 29, 2008 Office Action at pages 2 and 28. Pocock at column 6, lines 19-37 states, however, the following:

Referring now to FIG. 3, an overall system diagram of a television system combining broadcast and interactive television services is illustrated. When an interactive presentation is requested, according to the present invention, the viewer sends instructions to a presentation system 10 at a central location to identify one or more presentations that are desired to be viewed. These instructions are transmitted from the viewer's remote location to the central location by means of a wire, fiber optics, cellular, radio or other telephone network 12. For example, the instructions might be transmitted as touch tones which the user generates by depressing buttons of the keypad on his telephone set. More preferably, however, the instructions are generated within a user terminal 14 located at the viewer's home, and transmitted over the telephone network as DTMF or modem tones on an analog line, or data on a digital line such as the ISDN format. For ease of use, the terminal 14 is preferably controlled by means of a remote control unit 16, which transmits instructions to the terminal 14 via infrared signals.

This passage of Pocock merely describes that instructions may be transmitted over a telephone network. This passage does not describe, teach, or suggest, however, “server software that receives from the telephone voice response system a request, **and responds by enabling the management of the associated set of options governing the consumption of media.**”

Next, Pocock at column 12, lines 26-31, states the following:

The invention includes alternate methods for creating and modifying the carousel image assignment whereby users could utilize a telephone to access the DAS system or control computer and through the input of DTMF tones or voice prompts, recognizable to the system, create or make changes to a [sic] interactive image carousel.

While this passage of Pocock discloses that an interactive image carousel may be created or changed through input DTMF tones or voice prompts, it does not describe, teach, or suggest “server software that receives from the telephone voice response system a request, **and responds by enabling the management of the associated set of options governing the consumption of media.**” In particular, the creation or modification of an interactive image carousel through voice prompts is not the same as enabling the management of a set of options governing the consumption of media through a telephone voice response system request.

Claims 10 and 22 recite, in part, “server software that receives from the telephone voice response system a request that identifies one of the associated first, second, or third network addresses, a user identifier, and authorization information, and responds by identifying another of the associated first, second, or third network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.” Neither Lu, Billmaier, nor Pocock, describe, teach, or suggest these limitations, as discussed above.

Further, the proposed combination of references also does not describe, teach, or suggest “server software that receives from the telephone voice response system a request, and responds by enabling the management of the associated set of options governing the consumption of media,” as recited in claims 25 and 27. Thus, for at least these reasons, the Applicants respectfully submit that the proposed combination of references does not render claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 and 67 unpatentable.

IV. The Proposed Combination Of Lu, Pocock And Koppich Does Not Render Claim 33 Unpatentable

The Applicants respectfully submit that claim 33 should be in condition for allowance for at least the reasons discussed above.

III. Conclusion

For at least the reasons discussed above, the Applicants respectfully submit that the pending claims are allowable in all respects. Therefore, the Board is respectfully requested to reverse the rejections of pending claims 1-68.

PAYMENT OF FEES

The Commissioner is authorized to charge any necessary fees, including the \$540 fee for this Appeal Brief, or credit overpayment to Deposit Account 13-0017.

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CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

1. A system supporting the remote management of options related to media consumption, the system comprising:

a first television display in a first home;

the first television display having an associated first set of options governing the consumption of media;

a first storage, in the first home, that stores the media;

the first storage supporting consumption of the media by the first television display, and having a first network address with respect to a first user at the first home;

a second television display in a second home;

the second television display having an associated second set of options governing the consumption of media;

a second storage, in the second home, that stores the media;

the second storage supporting consumption of the media by the second television display, and having a second network address with respect to a second user at the second home, wherein the second user is known to the first user; and

server software that maintains a user defined association of the first and second network addresses, receives, via a communication network, a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information, and responds by identifying the other of the associated first or second network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.

2. The system of claim 1 wherein the first and second network addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN).

3. The system of claim 1 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

4. The system of claim 1 wherein the communication network is the Internet.

5. The system of claim 1 wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data.

6. The system of claim 1 wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data.

7. The system of claim 1 wherein each of the associated first and second sets of options governing the consumption of media comprise one or more of a media schedule, a device address, a device identifier, billing information, tracking information, channel setup information, program setup information, digital rights management information, media caching information, media storage information, media filter information, a user profile, and/or pay-per-view event information.

8. The system of claim 7 wherein the media filter information comprises one or more of an industry rating, a program time, a language, content information, and/or a personal program preference.

9. The system of claim 1 wherein management comprises one or more of observing, setting, modifying, deleting, registering, authenticating, and/or determining authority.

10. The system of claim 1 further comprising:

a telephone voice response system for receiving user input via a telephone network, and having an associated third network address; and

server software that receives from the telephone voice response system a request that identifies one of the associated first, second, or third network addresses, a user identifier, and authorization information, and responds by identifying another of the associated first, second, and or third network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.

11. The system of claim 10 wherein the telephone voice response system recognizes one or both of human speech and/or dual-tone multi-frequency (DTMF) signals.

12. The system of claim 1 wherein the server software functions to perform one or both of the storage and/or delivery of media.

13. A system supporting the remote management of options related to media consumption, the system comprising:

a television display in a first home;

a first storage that stores the media, in the first home, the first storage communicatively coupled to the television display, and having an associated first set of options governing the consumption of media, and a first network address with respect to a first user at the first home;

set top box circuitry, in the first home, communicatively coupled to the first storage to support consumption of media;

a personal computer monitor in a second home;

a second storage that stores the media, in the second home, the second storage communicatively coupled to the personal computer monitor, and having an associated second set

of options governing the consumption of media, and a second network address with respect to a second user at the second home, wherein the second user is know to the first user;

personal computer circuitry, in the second home, communicatively coupled to the second storage to support consumption of media; and

server software that maintains a user defined association of the first and second network addresses, receives via a communication network a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information, and responds by identifying the other of the associated first or second network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.

14. The system of claim 13 wherein the first and second network addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN).

15. The system of claim 13 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

16. The system of claim 13 wherein the communication network is the Internet.

17. The system of claim 13 wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data.

18. The system of claim 13 wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data.

19. The system of claim 13 wherein each of the associated first and second sets of options governing the consumption of media comprise one or more of a media schedule, a device address, a device identifier, billing information, tracking information, channel setup information, program setup information, digital rights management information, media caching information, media storage information, media filter information, a user profile, and/or pay-per-view event information.

20. The system of claim 19 wherein the media filter information comprises one or more of an industry rating, a program time, a language, content information, and/or a personal program preference.

21. The system of claim 13 wherein management comprises one or more of observing, setting, modifying, deleting, registering, authenticating, and/or determining authority.

22. The system of claim 13 further comprising:
a telephone voice response system for receiving user input via a telephone network, and having an associated third network address; and
server software that receives from the telephone voice response system a request that identifies one of the associated first, second, or third network addresses, a user identifier, and authorization information, and responds by identifying another of the associated first, second, or third network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.

23. The system of claim 22 wherein the telephone voice response system recognizes one or both of human speech and/or dual-tone multi-frequency (DTMF) signals.

24. The system of claim 13 wherein the server software functions to perform one or both of the storage and delivery of media.

25. A system supporting the remote management of options related to media consumption, the system comprising:

a storage for storing media;

set top box circuitry supporting the consumption of media via a communication network, the set top box circuitry communicatively coupled to the storage, and having an associated set of options governing the consumption of media;

a telephone voice response system for receiving user input via a telephone network; and

server software that receives from the telephone voice response system a request, and responds by enabling the management of the associated set of options governing the consumption of media.

26. The system of claim 25 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

27. A system supporting the remote management of options related to media consumption, the system comprising:

set top box circuitry supporting consumption of media via a communication network, the set top box circuitry having an associated set of options governing the consumption of media; and

server software that receives from a telephone voice response system a request, and responds by enabling management of the associated set of options governing the consumption of media.

28. The system of claim 27 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

29. The system of claim 27 wherein the communication network is the Internet.

30. The system of claim 27 wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data.

31. The system of claim 27 wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data.

32. The system of claim 27 wherein the associated set of options governing the consumption of media comprise one or more of a media schedule, a device address, a device identifier, billing information, tracking information, channel setup information, program setup information, digital rights management information, media caching information, media storage information, media filter information, a user profile, and/or pay-per-view event information.

33. The system of claim 32 wherein the media filter information comprises one or more of an industry rating, a program time, a language, content information, and/or a personal program preference.

34. The system of claim 27 wherein the management comprises one or more of observing, setting, modifying, deleting, registering, authenticating, and/or determining authority.

35. The system of claim 27 wherein the telephone voice response system recognizes one or both of human speech and/or dual-tone multi-frequency (DTMF) signals.

36. The system of claim 27 wherein the server software functions to perform one or both of the storage and/or delivery of media.

37. A system supporting the remote management of options related to media consumption, the system comprising:

set top box circuitry, in a first home, communicatively coupled to a first storage in the first home, the first storage having an associated first set of options governing the consumption of media and a first network address, with respect to a first user at the first home, to support consumption of media using a television display in the first home;

circuitry, in a second home, communicatively coupled to a second storage, the second storage having an associated second set of options governing the consumption of media and a second network address, with respect to a second user at the second home, wherein the second user is known to the first user, to support consumption of media using a computer or other monitor or display in the second home; and

software that maintains a user defined association of the first and second network addresses, receives via a communication network a request that identifies one or more of the associated first or second network addresses, a user identifier, and/or authorization information, and responds by identifying the other of the associated first or second network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.

38. The system of claim 37 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

39. The system of claim 37 wherein the communication network is the Internet.

40. The system of claim 37 wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data.

41. The system of claim 37 wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data.

42. The system of claim 37 wherein the associated first and second sets of options governing the consumption of media comprise one or more of a media schedule, a device address, a device identifier, billing information, tracking information, channel setup information, program setup information, digital rights management information, media caching information, media storage information, media filter information, a user profile, and/or pay-per-view event information.

43. The system of claim 42 wherein the media filter information comprises one or more of an industry rating, a program time, a language, content information, and/or a personal program preference.

44. The system of claim 37 wherein the management comprises one or more of observing, setting, modifying, deleting, registering, authenticating, and/or determining authority.

45. A system supporting the remote management of options related to media consumption, the system comprising:

a first television display, in a first home, communicatively coupled to a first storage in the first home, the first storage having a first network address with respect to a first user at the first home, the first television display having an associated first set of options governing the consumption of media;

a second television display, in a second home, communicatively coupled to a second storage in the second home, the second storage having a second network address with respect to a

second user at the second home, wherein the second user is known to the first user, the second television display having an associated first set of options governing the consumption of media;

software that maintains a user defined association of the first and second network addresses, receives via a communication network a request that identifies one or more of the associated first or second network addresses, a user identifier, and/or authorization information, and responds by identifying the other of the associated first or second network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.

46. The system of claim 45 wherein the first and second network addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN).

47. The system of claim 45 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

48. The system of claim 45 wherein the communication network is the Internet.

49. The system of claim 45 wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data.

50. The system of claim 45 wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data.

51. The system of claim 45 wherein each of the associated first and second sets of options governing the consumption of media comprise one or more of a media schedule, a device address, a device identifier, billing information, tracking information, channel setup information,

program setup information, digital rights management information, media caching information, media storage information, media filter information, a user profile, and/or pay-per-view event information.

52. The system of claim 51 wherein the media filter information comprises one or more of an industry rating, a program time, a language, content information, and/or a personal program preference.

53. The system of claim 45 wherein management comprises one or more of observing, setting, modifying, deleting, registering, authenticating, and/or determining authority.

54. The system of claim 45 further comprising:
a telephone voice response system for receiving user input via a telephone network, and having an associated third network address; and

server software that receives from the telephone voice response system a request that identifies one of the associated first, second, or third network addresses, a user identifier, and authorization information, and responds by identifying another of the associated first, second, or third network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.

55. The system of claim 54 wherein the telephone voice response system recognizes one or both of human speech and/or dual-tone multi-frequency (DTMF) signals.

56. The system of claim 45 wherein the server software functions to perform one or both of the storage and/or delivery of media.

57. A system supporting the remote management of options related to media consumption, the system comprising:

at least one processor that maintains a user defined association of first and second network addresses of first and second users, respectively, at first and second locations, respectively, wherein the first and second users are known to one another, the at least one processor receives via a communication network a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information, and responds by identifying the other of the associated first or second network addresses, to support management of one or both of first or second sets of options governing the consumption of media.

58. The system of claim 57 wherein the first and second network addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN).

59. The system of claim 57 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

60. The system of claim 57 wherein the communication network is the Internet.

61. The system of claim 57 wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data.

62. The system of claim 57 wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data.

63. The system of claim 57 wherein each of the associated first and second sets of options governing the consumption of media comprise one or more of a media schedule, a device address, a device identifier, billing information, tracking information, channel setup information, program setup information, digital rights management information, media caching information, media storage information, media filter information, a user profile, and/or pay-per-view event information.

64. The system of claim 63 wherein the media filter information comprises one or more of an industry rating, a program time, a language, content information, and/or a personal program preference.

65. The system of claim 57 wherein management comprises one or more of observing, setting, modifying, deleting, registering, authenticating, and/or determining authority.

66. The system of claim 57 further comprising:
a telephone voice response system for receiving user input via a telephone network, and having an associated third network address; and

the at least one processor receives from the telephone voice response system a request that identifies one of the associated first, second, or third network addresses, a user identifier, and authorization information, and responds by identifying another of the associated first, second, or third network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.

67. The system of claim 66 wherein the telephone voice response system recognizes one or both of human speech and/or dual-tone multi-frequency (DTMF) signals.

68. The system of claim 57 wherein the at least one processor functions to perform one or both of storage and delivery of media.

EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

- (1) U.S. 7,065,778 (“Lu”), entered into record by Examiner in March 2, 2007 Office Action.
- (2) U.S. 7,084,994 (“Koppich”), entered into record by Examiner in March 2, 2007 Office Action.
- (3) U.S. 7,170,546 (“Pocock”), entered into record by Examiner in March 2, 2007 Office Action.
- (4) U.S. 7,055,104 (“Billmaier”), entered into record by Examiner in February 29, 2008 Office Action.

Application Serial No. 10/672,864
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RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

Not applicable.